Remarks

Claims 1-12, 14-33 and 35 are currently pending in the Application.

Summary of claim amendments

This response amends Claims 1, 14-15, 17, 23 and 35 to clarify the language of the claims.

35 U.S.C. §101 rejection

In the non-final Action mailed March 12, 2007 the Examiner rejects Claims 1, 14-15, 17, 23 and 35 under 35 USC § 101. Although the Examiner concedes that the last feature of the independent claims are directed to a technological art, environment or machine which would result in a practical application producing a concrete and useful result, the Examiner asserts that the last feature of the independent claims does not produce a tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Applicants respectfully submit that the pending claims have been amended and comply with the requirements of 35 USC § 101 and request that the rejection be withdrawn.

35 U.S.C. §103(a) Rejection

Claims 1-12, 14-33 and 35 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Trusted Computing ("Building A Foundation of Trust in the PC" January 200) and further in view of Trostle (U.S. Patent No. 5,919,257).

Applicants submit that there is no prima facie case of obviousness for the claims rejected under 35 U.S.C. §103(a) as presently amended because Trusted Computing and Trostle do not teach each and every element as presented in the amended claims.

Claim 1

Applicants submit that Trusted Computing and Trostle do not disclose, suggest or teach, *inter alia*, the following features recited by amended Claim 1:

"issuing a second challenge to the participant's computing device if the participant's computing device is determined to be trustworthy; receiving **a second response from the participant's computing device in response to the second challenge**; and testing the integrity of an application running on the participant's computing device based on the received second response" (emphasis added)

The Examiner concedes that "issuing a second challenge" as recited in Claim 1 it not taught by Trusted Computing and alleges that this feature is disclosed in Trostle's Claim 1, reproduced below.

What is claimed is:

1. A method of detecting illicit changes to an executable program in a networked computer workstation prior to execution of an operating system by the workstation, the method comprising the steps of:

receiving a trusted hash value that is expected to be generated by hashing selected executable programs resident in the workstation if the selected executable programs have not been unauthorizedly changed;

receiving a list of the selected executable programs resident in the workstation;

hashing the selected executable programs resident in the workstation to calculate a computed hash value; and

comparing said computed hash value to said trusted hash value in order to detect illicit changes to the selected executable programs;

wherein the computed hash value is a fixed size numerical value, and the selected executable programs comprise program instructions for being executed by the networked computer workstation.

According to Trostle, the trusted hash values are received <u>by the workstation</u> and the actual comparison of the trusted hash value with the computed hash value is performed <u>by the workstation</u> (c. 7, ll. 1-2 and 28-29 of Trostle). Contrary to Trostle, the participant's computing device" of Claim 1 receives a "second challenge" and in return transmits a "second response." Where does Trostle's workstation receive a challenge and responds by transmitting a response?

If the Examiner insists that these features are disclosed by Trostle, the Examiner is encouraged to comply with 37 C.F.R. §1.104(c)(2) by designating "as nearly as practicable" where Trostle's workstation provides a "second response ... in response to the second challenge" as recited in amended Claim 1.

Furthermore, amended Claim 1 recites that "testing the integrity of an application running on the participant's computing device" is "based on the **received second response**" (emphasis added). That means that the testing is **not** performed by the participant's computing device. If the Examiner insists that the testing as recited in amended Claim 1 is disclosed by Trostle's comparison of the trusted hash value with the computed hash value, Applicants submit that Trostle's comparison is performed <u>by the workstation</u> (c. 7, ll. 28-29 of Trostle). Because Trostle's comparison is performed by the workstation, Trostle does not teach, disclose or suggest "testing the integrity of an application running on the participant's computing device based on the received second response" as recited in amended Claim 1.

Hence, Claim 1 is patentable over Trostle and the rejection should be withdrawn. Claims 2-12 and 16, at least based on its dependency on Claim 1, are also believed to be patentable over Trostle.

Claim 14

Applicants submit that, at least for the reasons stated above for Claim 1, Trusted Computing and Trostle do not at least teach disclose or suggest "issuing an application challenge to the participant's computing device to test the integrity of the application running on the participant's computing device based on another response received from

the participant's computing device if the participant's computing device is operating in a trustworthy manner" as recited in Claim 14. Hence, Claim 14 is patentable over Trusted Computing and Trostle and should be allowed by the Examiner.

Claim 15

Applicants submit that, at least for the reasons stated above for Claim 1, Trusted Computing and Trostle do not at least teach disclose or suggest "allowing the entity access to the first computing environment based at least on a response to the challenge received from the entity" as recited in Claim 15. Hence, Claim 15 is patentable over Trusted Computing and Trostle and should be allowed by the Examiner.

Claim 17

Applicants submit that, at least for the reasons stated above for Claim 1, Trusted Computing and Trostle do not at least teach disclose or suggest "issue a second challenge to the participant's computing device if the participant's computing device is determined to be trustworthy; receive a second response from the participant's computing device in response to the second challenge; test the integrity of an application running on the participant's computing device based on the received second response" as recited in Claim 17. Hence, Claim 17 is patentable over Trusted Computing and Trostle and should be allowed by the Examiner. Claims 18-22, at least based on its dependency on Claim 17, are also believed to be patentable over Trusted Computing and Trostle.

Claim 23

Applicants submit that, at least for the reasons stated above for Claim 1, Trusted Computing and Trostle do not at least teach disclose or suggest "issue a second challenge if the participant's computing device is determined to be trustworthy; receive a second response from the participant's computing device in response to the second challenge; test the integrity of an application running on the participant's computing device based on the received second response" as recited in Claim 23. Hence, Claim 23 is patentable over Trusted Computing and Trostle and should be allowed by the Examiner. Claims 24-33, at least based on its dependency on Claim 23, are also believed to be patentable over

Trusted Computing and Trostle.

Claim 35

Applicants submit that, at least for the reasons stated above for Claim 1, Trusted Computing and Trostle do not at least teach disclose or suggest "issuing an application challenge to the participant's computing device to test the integrity of the application running on the participant's computing device based on another response received from the participant's computing device if the participant's computing device is operating in a trustworthy manner" as recited in Claim 35. Hence, Claim 35 is patentable over Trusted Computing and Trostle and should be allowed by the Examiner.

* * *

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.
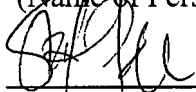
The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

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June 26, 2007(Date of Deposit)   Respectfully submitted,

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